UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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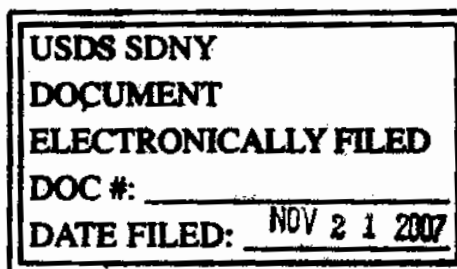|	
BARBARA MARTE AND DOMINGO RODRIGUEZ,	STIPULATION AND ORDER OF SETTLEMENT AND DISCONTINUANCE

                                      Plaintiffs,

-against-

THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, DETECTIVE JUAN ROMERO Shield Number 899254, DETECTIVE SERGIO ALVAREZ, DETECTIVE ANTHONY DIAZ, and DETECTIVE JOHN HOURICAN,

                                      Defendants.

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WHEREAS, plaintiffs commenced this action by filing a complaint on or about April 27, 2007, alleging that defendants violated their federal civil and state common law rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiffs' allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

      1.   The above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

      2.   Defendant City of New York hereby agrees to pay plaintiffs Barbara Marte and Domingo Rodriguez the total sum of TWENTY-FIVE THOUSAND ($25,000.00) Dollars in full satisfaction of all claims, including claims for costs, expenses, and attorneys' fees as follows: TWELVE THOUSAND FIVE HUNDRED ($12,500.00) dollars to Barbara Marte

and TWELVE THOUSAND FIVE HUNDRED ($12,500.00) dollars to Domingo Rodriguez. In consideration for the payment of these sums, plaintiffs Barbara Marte and Domingo Rodriguez agree to the dismissal of all the claims against defendants City of New York, New York City Police Department, Detective Juan Romero, Detective Sergio Alvarez, Detective Anthony Diaz, and Detective John Hourican, and to release all defendants, their successors or assigns, and all past and present officials, employees, representatives, and agents of the City of New York, or any agency thereof, from any and all liability, claims, or rights of action that were or could have been alleged in the complaint in this action, including all claims for attorneys' fees, expenses, and costs.

3.   Plaintiffs shall each execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a general release based on the terms of paragraph "2" above and an Affidavit of No Liens.

4.   Nothing contained herein shall be deemed to be an admission by defendants that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5.   Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.
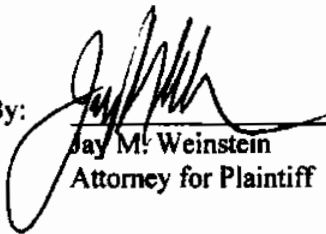
6.   This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
        November 12, 2007

JAY M. WEINSTEIN, ESQ.   MICHAEL A. CARDOZO
Attorney for Plaintiff   Corporation Counsel of the
503 Longacre Avenue   City of New York
Woodmere, NY 11598   Attorney for Defendants
                                          100 Church Street
                                          New York, N.Y. 10007
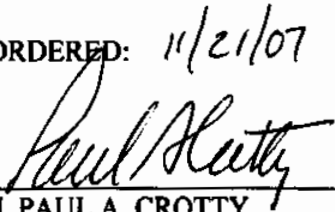   (212) 788-0987

By: _____   By: _____
    Jay M. Weinstein   Brian G. Maxey
    Attorney for Plaintiff   Assistant Corporation Counsel

SO ORDERED: 11/21/07

_____
HON. PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE

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